

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH.

C.R.No. 3041 of 2007.
Date of Decision: May 30, 2007.

Smt.Satya Devi daughter of Shri Bal Krishan and wife of Shri Amrik Singh,
resident of Village Khanpur Jattan Post Office Rattangarh, near Shahbad,
District Kurukshetra.

Versus.

1. Jagdish Chand;
2. Singh Ram, both sons of Shri Ram Sarup, resident of Village Mehmoodpur, District Ambala and
3. Ram Pal son of Shri Sadhu Ram, resident of Village Dassora, Tehsil Chhachrauli, District Yamuna Nagar.

Before: Hon'ble Mr. Justice R.S.Madan.

Present: Shri Ashok Khubbar, Advocate, for the petitioner.

R.S.Madan, J

Challenge here in this revision petition is the order dated February 14, 2007 passed by Civil Judge (Sr. Division), Jagadhari, vide which the application filed by the plaintiff for seeking permission to lead secondary evidence with respect to the original agreement to sell dated September 25, 1997 was allowed.

It is the case of the plaintiff that the original agreement to sell dated September 25, 1997 could not be produced in evidence before the Court as it was misplaced and a D.D.R. No.6 dated May 20, 2005 was got registered in the Police Station, Buria regarding the misplacement of the original agreement to sell and the same could not be traced in spite of best efforts made by the plaintiff.

The plaintiff has placed on the record, a photo stat copy of the original agreement to sell during the course of secondary evidence.

The application was resisted by the respondents.

After hearing learned counsel for the parties, the learned Civil Judge (Sr.Division), Jagadhari allowed the application for leading secondary evidence and to prove the original agreement to sell , subject to payment of costs of Rs.200/-.

I have heard the learned counsel for the petitioner and have gone through the record.

After going through the impugned order, I do not find that the impugned order suffers from any kind of illegality or infirmity as the same satisfied the essential ingredients of the Indian Evidence Act, with regard to the leading of secondary evidence.

No merit. Dismissed.

(R.S.Madan)
Judge

May 30, 2007.
Malik